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FOREIGN SERVICE DESPATCH

FROM : AMEMBASSY, PORT-AU-PRINCE

567

March 31, 1952

DESP. NO.

DATE

TO : THE DEPARTMENT OF STATE, WASHINGTON.

AIR POUCH

PRIORITY

REF : Embassy's Confidential Despatch No. 462 of February 23, 1952.

SUBJECT: Haitian Newspaper Publicity concerning the Claim to Navassa Island.

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Le Matin of March 29, 1952, carries a reprint in translation of an article credited to the News Tribune of Washington and entitled "Haiti Presents New Protests on the Subject of Navassa". A translation of the Le Matin article is enclosed. The News Tribune is not listed in reference books available at this office but the Embassy suspects that the newspaper may belong to the American negro press. An official of the Haitian paper claims that the original article was received through the medium of a United States clipping service.

The Department will note that the article is favorably slanted toward Haiti and the suspicion arises that it has been planted in the News Tribune with a view to influencing American public opinion in favor of the Haitian claim.

Particularly interesting is the statement that the guano removed from the island between 1857 and 1890 by the Navassa Phosphate Company of Baltimore is valued at close to \$40,000,000, since the Embassy's confidential despatch No. 439 of February 13, 1952, reported that this same sum had been estimated by Mr. Melvin HILDRETH, former Legal Counselor of the Haitian Government in Washington, as the value of the guano exported from the island.

Also of note is the statement attributed to Mr. Hildreth, who is inaccurately referred to as the Legal Counselor of the Haitian Government, that President MAGLOIRE can come to the United States at the beginning of next year to confer with President TRUMAN, and that "in the course of these conversations it is possible that President Magloire will ask that the wrong which has been done to Haiti under the administration of Franklin PIERCE be righted". There then follows the statement that President Pierce, during whose administration, on August 18, 1856, the Guano Act was passed, was very hostile to negroes. No mention, however, is made of the fact that Peter DUNCAN did not file his declaration of discovery of guano on Navassa until December 3, 1857, during BUCHANAN's tenure in office, and that it was not until December 8, 1859, also under Buchanan, that the certificate entitling E. K. COOPER, Duncan's assignee, to all the privileges and advantages of the Guano Act was issued.

With reference to the possibility of an official visit by President Magloire to the United States, this is, to the Embassy's knowledge, the first public reference to such a contingency. The Department has, however,

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been informally advised previously that Mr. James BARNES, present Legal Counselor of the Haitian Government, had suggested such a visit to President Magloire.

For the Chargé d'Affaires ad interim:

Stacy C. Blackiston, Jr.
Stacy C. Blackiston, Jr.
Second Secretary of Embassy

Enclosure: Translation of article
from Le Matin of March
29, 1952.

File: 322.2

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TRANSLATION

HAITI PRESENTS NEW PROTESTS ON THE SUBJECT OF NAVASSA

Washington. - The President of Haiti will soon bring before President Truman the claims which have been discussed for more than a century on the subject of Navassa - a small tropical island on which there is a plentiful supply of guano (bird excrement). The question to be settled by the United States is whether to hold or abandon these little islands. The authorities do not know the number of these small isles. They probably number fifty although this figure does not agree with that furnished on a list put out by the Department of State. The rival claimants include: Great Britain, Venezuela, Peru, Mexico, France, Japan, Colombia, Haiti, Honduras, Jamaica, Nicaragua and Santo Domingo. These islands are like rocky hillocks and particularly rich in guano which millions of birds have deposited there over the centuries.

These islands were of great importance during the years before the Civil War because of the need to fertilize vast agricultural areas in the Eastern states and because of a monopoly held by Great Britain on the largest source of guano, considered at that time to be the most effective fertilizer, in Peru.

Upon the application of speculators in New York and Boston, the American Congress in 1865 voted a resolution which set forth that "when a citizen of the United States shall discover a guano deposit on any island whatsoever, rocky elevation or otherwise, which is not within the legal jurisdiction of another government and not occupied by the citizens of any other government, and shall occupy this island, it shall be considered, in the discretion of the President, to belong to the United States".

From 1856 to 1885 the Department of State handed over titles to the occupants of seventy islands of this type, thus recognizing such land as being the property of the United States. In certain cases the United States was obliged to give in. Once, in fact, the American Government had to send naval forces to protect the American deposits of guano in the Lobos Islands located thirty miles off the coast of Peru. But when Peru substantiated its claim the order was rescinded and the United States had to give up the land.

Among the islands which were the object of the first claims, as a result of the Resolution of 1856, was Navassa, located thirty miles west of Haiti in the Caribbean. Between 1857 and 1890 the "Navassa Phosphate Company" of Baltimore took from Navassa more than 100,000 tons of guano which represented nearly \$40,000,000.

There were difficulties at the start. For in June, 1857, Haiti sent there two warships as a demonstration. President Buchanan dispatched a frigate to Navassa. In 1889 there were skirmishes in the course of which the

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American superintendent and several of his assistants were killed. A man was taken to Baltimore and accused of murder. The defense brought out the fact that the Resolution of 1856 called the "Guano Act" was unconstitutional and that Navassa did not belong to the United States and that American courts had no jurisdiction over this island.

The Supreme Court decided that Navassa must be considered as belonging to the United States, thus recognizing the jurisdiction of American courts over this land. This decision explains very well why in 1945 President Truman could say in a proclamation that the "oil beds lying in the Gulf of Mexico - from the coastline to the sandbanks along the coast - belong to the United States".

Mr. Melvin Hildreth, a Washington lawyer, legal counselor of the Haitian Government, has said that Navassa no longer has great importance for the United States - all the guano having been taken from it - but nevertheless constitutes an irritating question which is like a grain of dust in the eye with which Haiti, the second Republic in this Hemisphere, regards the United States. Hildreth has said that the President of Haiti, Paul Magloire, can come to confer here with President Truman the first part of next year. "In the course of these conversations, it is possible that President Magloire will ask that the wrong which has been done to Haiti under the administration of Franklin Pierce shall be righted".

President Pierce was very hostile to negroes. And it was during his administration that the American exploiters obtained the congressional vote on the resolution having to do with guano. With the authority given by this same Resolution many other islands were taken in the central Pacific such as Midway, Wake, Johnston and Kingman. In 1919 an order of the English Government included the Christmas Islands in the Gilbert and Ellice Island group. In the Caribbean zone there are other islands rich in guano, title to which is disputed.

In 1923 and 1929 a warning was given to Honduras on the subject of an attempt to take possession of the Swan Islands where the United States has an aerial observation post. President Wilson in 1919 reaffirmed the 1890 claims concerning guano in setting aside Serrana, de Quita Sueno and Rocador in the western part of the Caribbean for the installation of lighthouses. Colombia, Honduras and Nicaragua have presented their claims to these islands.

Mr. Samuel W. Boggs, Technical Adviser on Geography for the Department of State, has said that an 1894 list of these islands on which property titles had been patented includes two conditions. Many of them even have notations such as ED or PD (doubtful existence or doubtful location).

When the Treasury Department asked the Department of State to revise the list and to include only islands "belonging" to the United States, the Department of State hedged by alleging that this would oblige it to decide as to the rights of many private individuals; which it preferred not to do unless a lawsuit should make this necessary.

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